

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4866 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

HAJABHAI KHIMABHHAI MARU

Versus

STATE OF GUJARAT

Appearance:

MR PM THAKKAR for Petitioner
MR VM PANCHOLI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 28/03/2000

ORAL JUDGEMENT

1. The officer of the department concerned is present with the relevant record of this case. Under the instructions of the officer present in the Court of the respondent no.1, Shri Pancholi states that the petitioner

had deposited all the due amount of royalty as well as surface rent of the quarry lease upto date.

2. The quarry lease of the petitioner for minor lmineral lime stone was cancelled on two grounds. Firstly, for nonpayment of the outstanding dues of royalty as per the reschedulement and secondly, for non-submission of sanctioned plan as a result of which concerned District Collector could not assess the surface rent to be paid by the petitioner. The respondents are also not very serious to oppose this Special Civil Application. Shri Pancholi learned AGP appearing for the respondents submits under the instructions of officer present in the Court that though quarry lease period has already been expired, but the petitioner has submitted an application for renewal thereof and the officer concerned will consider the renewal application of the petitioner in accordance with law. Thus, interest of justice will be served to dispose of this petition in terms that the respondent - competent authority may not give effect to the impugned order cancelling quarry lease of the petitioner. The renewal application filed by the petitioner be disposed of finally within the period of one month from the date of the receipt of writ of this order or the certified copy thereof whichever is earlier. This Special Civil Application and rule stand disposed of in aforesaid terms with no order as to costs.

(S.K.Keshote, J)

(Vipul)